

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA**

**In Re:**

**Case No: 17-04225-HAC**

**Carmen R. Green**

**Debtor**

**ORDER ON MOTION FOR RELIEF FROM AUTOMATIC STAY  
FILED BY SETERUS, INC. AS THE AUTHORIZED SUBSERVICER FOR FEDERAL  
NATIONAL MORTGAGE ASSOCIATION ("FANNIE MAE") CREDITOR, C/O  
SETERUS, INC.**

This matter coming before the Court on July 18, 2018 on the Motion for Relief from Automatic Stay filed by SETERUS, INC. AS THE AUTHORIZED SUBSERVICER FOR FEDERAL NATIONAL MORTGAGE ASSOCIATION ("FANNIE MAE") CREDITOR, C/O SETERUS, INC. (hereinafter "Creditor"), and this Court being informed of the agreement of the parties hereto regarding 401 Joseph St, Satsuma, AL 36572, it is therefore **ORDERED, ADJUDGED AND DECREED** as follows:

1. The Creditor may file a claim for the post-petition mortgage arrearage through July 2018 plus the attorney fees and costs in connection with Creditor's Motion for Relief from Stay. The arrearage to be put into the plan is as follows:

3 payments @ \$868.18 for 05/18 to 07/18:	\$2,604.54
Attorney Fees and Costs for MFR:	\$831.00
Property Inspections:	\$15.00
Less Debtor suspense:	-\$65.96
Total:	\$3,384.58
2. The Motion for Relief from Stay filed by the Creditor is hereby conditionally denied. However, should the Debtor default under the mortgage agreement between the parties by failing to make payments due on the 1st day of each month within the next **TWENTY-FOUR MONTHS** beginning August 2018 and continuing through July 2020, the Creditor may file with the Court a Notice of Default giving the Debtor twenty (20) days to cure. A copy of the Notice of Default shall also be mailed to the Debtor.
3. If the default is not cured within twenty (20) days from the date the notice is issued, then the Creditor may file a Notice of Termination of Stay with the Court and mail a copy to the Debtor. Upon filing the Notice of Termination of Stay, the stay shall lift without further Order from the Court. Further, upon lifting of the stay the Creditor is allowed to communicate with the Debtor as required under the note and mortgage or under state law. Waiver of default shall not constitute waiver of subsequent default.
4. If relief from the automatic stay under 11 U.S.C. § 362 becomes effective, this Creditor is thereafter entitled to enforce any and all of its right, title, interest in and to the subject

property under applicable non-bankruptcy law. The filing and service of Notice of Payment Change and/or Notices of Post-Petition Fees, Expenses, and Charges, as described by FRBP 3002.1(b) and FRBP 3002.1(c) are not required once relief from the automatic stay under 11 U.S.C. § 362 is triggered and becomes effective. Upon entry of this Order granting relief from the automatic stay under 11 U.S.C. § 362, the 14-day stay of Rule FRBP 4001(a)(3) is waived.

Dated: July 23, 2018

  
HENRY A. CALLAWAY  
CHIEF U.S. BANKRUPTCY JUDGE

This Order was reviewed and approved by Counsel for the Debtor.

This document was prepared by:  
Susannah R. Walker, Esq.  
Sirote & Permutt, P.C.  
2311 Highland Avenue South  
Birmingham, Alabama 35205  
Telephone: 850-462-1516 / Fax: 205-212-2859

PARTIES TO RECEIVE COPIES:

William J. Casey  
3208 Cottage Hill Road  
Mobile, AL 36606-2721

Carmen R. Green  
401 Joseph Dr S.  
Satsuma, AL 36572

Daniel B. O'Brien  
Chapter 13 Trustee  
P.O. Box 1884  
Mobile, AL 36633

Susannah R. Walker  
Sirote & Permutt, P.C.  
2311 Highland Avenue South  
Birmingham, Alabama 35205